

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. 2019-10
	)	
ROBERT DEFREITAS,	)	
	)	
Defendant.	)	
	)	

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**ATTORNEYS:**

**Gretchen Shappert, United States Attorney**  
**Nathan Brooks, AUSA**  
United States Attorney's Office  
St. Thomas, U.S.V.I.  
*For the United States of America,*

**Robert L. King**  
Law Offices of Robert King  
St. Thomas, U.S.V.I.  
*For Robert Defreitas.*

**ORDER**

**GÓMEZ, J.**

Before the Court is the application of Robert Defreitas ("Defreitas") to waive his speedy trial. For the reasons stated herein, the time to try this case is extended up to and including May 20, 2019.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice for several reasons. First, an extension is necessary

to allow Defreitas's attorney to recuperate from surgery.

Second, Defreitas made his request with the advice and consent of counsel. Third, without an extension, Defreitas would be denied reasonable time necessary to prepare for trial.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994); see also *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not 'complex.'"); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense."); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation.").

The premises considered; it is hereby

**ORDERED** that the time beginning from the date of this order granting an extension through May 20, 2019, shall be excluded in computing the time within which the trial for Robert Defreitas must be initiated pursuant to 18 U.S.C. § 3161.

s\ \_\_\_\_\_  
Curtis V. Gómez  
District Judge